

IN THE CHANCERY COURT FOR ROBERTSON COUNTY, TENNESSEE

SHAWN TAYLOR, BRYAN MORRIS,
and DON AZBILL,
Plaintiffs,

v.

CITY OF RIDGETOP, TENNESSEE,
Defendant.

Case No. CH19-CV-273

Jury Demanded

FILED
CLERK & MASTER ROBERTSON CO. TN

VERIFIED COMPLAINT
FOR INJUNCTIVE RELIEF

JUN 14 2019
AT 4:20 O'CLOCK P.M.
ROSEMARY T. SPRAGUE
BY AE

Plaintiffs, Shawn Taylor, Bryan Morris, and Don Azbill, for their cause of action against the Defendant City of Ridgetop, Tennessee, states as follows:

INTRODUCTION

1. This is a cause of action for injunctive relief and a declaration that the unlawful actions taken by the City of Ridgetop, Tennessee's Mayor and Board of Aldermen during an illegally-called special meeting on June 10, 2019, be held for naught and declared void for violation of the Open Meetings Act, T.C.A. § 8-44-101 *et seq.* The City of Ridgetop ("City") engaged in the practice of imposing traffic citation quotas on police officers in order to finance the City, a practice that is illegal pursuant to T.C.A. § 39-16-516. The Plaintiffs refused to participate in the illegal activities, and reported City officials' misconduct to the District Attorney General and ultimately to the media.
2. The City of Ridgetop immediately began retaliating against the Plaintiffs and other members of the police department in order to interfere with their investigation and to obstruct justice. On June 10, 2019, the Mayor and the Aldermen voted to dissolve the police department, resulting in the Plaintiffs' termination. The meeting was illegal

because of inadequate notice in breach of the Open Meetings Act and the Ridgetop Charter. Because a locksmith had been hired prior to the meeting and was waiting in the parking lot to lockout the Police Department prior to the meeting, it is apparent that the Mayor and members of the Board of Aldermen held deliberations and agreed to dissolve the Police Department that occurred outside the Sunshine, in violation of T.C.A. § 8-44-101 *et seq.*

PARTIES

3. Plaintiff Shawn Taylor is a citizen and resident of Robertson County, Tennessee. He was a patrolman with the Ridgetop Police Department until he was illegally terminated by the Mayor and Board of Aldermen during the illegal meeting of June 10, 2019.
4. Plaintiff Bryan Morris is a resident of Robertson County, Tennessee. He was the Chief of Police of the Ridgetop Police Department until he was illegally terminated by the Mayor and Board of Aldermen during the illegal meeting on June 10, 2019.
5. Plaintiff Don Azbill is a resident of Cheatham County, Tennessee. He was a patrolman with the Ridgetop Police Department until he was illegally terminated by the Mayor and Board of Aldermen during the illegal meeting on June 10, 2019.
6. The Defendant City of Ridgetop Tennessee is a municipality organized under Chapter 6 of the Tennessee Code as a Mayor-Aldermanic form of government. It is located in Robertson County, Tennessee.
7. The Board of Mayor and Alderman (“BOMA”) for the City of Ridgetop is a “governing body” as that is term defined in T.C.A § 8-44-102 (d)(1). As a governing body, the City is obligated to adhere to the provisions of the Open Meetings Act, often referred

to as “The Sunshine Law,” with regard to the duty to provide adequate public notice of its meetings and conduct all of its business in public.

JURISDICTION

8. This Court has jurisdiction to issue injunctions, impose penalties, declare unlawful meetings void, and to otherwise to enforce the Open Meeting Act pursuant to T.C.A § 8-44-106.
9. The acts and omissions alleged herein occurred during an illegal meeting that occurred in Robertson County, Tennessee. Venue is therefore proper in this Court.

ALLEGATIONS OF FACT

10. Plaintiffs were police officers for the City of Ridgetop Police Department until it was illegally “closed down” during the illegal meeting that occurred on June 10, 2019.
11. Throughout the time they served in this position, they did so in a competent and professional manner.
12. On October 17, 2017, Vice Mayor McCaw Johnson first implemented a traffic citation quota of 210 traffic citations per month for two Ridgetop officers, which is recorded in the City’s Minutes as follows:

Police Department

Vice Mayor Johnson made a proposal to give Don Azbill and Austin Herendeen a 7% increase in hourly pay and hire a 7th officer and for a 12-month period there be an average of 210 citations.

Vice Mayor Johnson made the motion to give Don Azbill and Austin Herendeen a 7% increase in hourly pay making their rate \$16.05 and for the duration will delay the remainder of the raises contingent on an average of 210 citation a month, hire a new hire officer at the rate of \$16.00 per hour. Alderman Harris seconded.

Alderman Harris...yes

Alderman Harper...yes

Vice Mayor Johnson...yes

Mayor Reasoner...yes

Alderman Reasoner...yes

Voting Aye: All

Voting No: None

Motion Carried.

13. After the meeting, Aldermen Mike Harris and Josh Reasoner claimed that they had voted for the pay raise, but not the ticket quota. Josh Reasoner told Harris, “are you frickin’ kidding me, McCaw just stated a ticket quota in a public meeting?” The men agreed that the practice was illegal.
14. The following day, McCaw Johnson sent a text message to all Board of Mayor and Aldermen members and Kelly Rider stating that he wished he had not said what he said during the meeting.
15. T.C.A. § 39-16-516(b) states: “A political subdivision or any agency of this state may not require or suggest to a law enforcement officer that the law enforcement officer is required or expected to issue a predetermined or specified number of any type or combination of types of traffic citations within a specified period.” The traffic citation quota implemented by the City was therefore illegal.
16. On November 6, 2017, Plaintiff Shawn Taylor became a full-time police officer at Ridgetop.
17. On November 20, 2017 during a BOMA workshop, Alderman Harris raised the topic of providing pay raises for other members of the Police Department, and Mayor Tony Reasoner stated that he “was not even going to consider it” unless the officers “get their citations up.” McCaw Johnson agreed.
18. In March of 2018, Vice Mayor McCaw Johnson requested that the Chief provide an itemized list of the officers and their number of citations for the previous four months. At the City Meeting, Chief Morris provided the requested documentation, but informed

the Vice Mayor that ticket quotas were illegal. Thereafter, members of the BOMA began retaliating against the Ridgetop Police Department.

19. In the first week of March, Officer Taylor met with Alderman Mike Harris. The two discussed the questionable activity occurring within Ridgetop government. A few days thereafter, Mayor Tony Reasoner began repeatedly following Plaintiff Taylor and Alderman Harris in his vehicle. Reasoner then attempted to rescind the contract with Officer Taylor, his K9 Daisy, and Ridgetop. Mayor Reasoner falsely accused K9 Daisy of having performance issues and stated to others that she could not be certified.
20. In April of 2018, Plaintiffs began an official investigation into the Ridgetop traffic citation quota, as well as other suspected crimes, including the destruction of evidence and documents, which was alleged to have been occurring within Ridgetop by government officials.
21. In May of 2018, Officer Taylor informed Assistant District Attorney Jim Milam of the Plaintiffs' investigation into the ticket quota.
22. In July of 2018, Vice Mayor McCaw Johnson moved to evaluate the Police Department budget back to the previous October, and demanded a resolution from Chief Morris.
23. At the request of District Attorney Jim Milam, in August of 2018, Officer Taylor contacted Robertson County District Attorney Dent Morriss at the Robertson County Courthouse. Gen. Morriss's wife was the city attorney for Ridgetop. He refused to meet with Officer Taylor.
24. In September of 2018, Officer Taylor met with General John Carney at his office in Clarksville. The two discussed the ticket quota, as well as other illegal acts being committed by City officials. Because several of his employees' family members were

officials at Ridgetop, Gen. Carney stated that he would have to request a special prosecutor to address the issue.

25. On October 16, 2018, Mrs. Phyllis Morris, the wife of Assistant District Attorney Dent Morris, resigned as the Ridgetop City Attorney.
26. Mayor Reasoner began retaliating against Officer Taylor. He informed Chief Morris that he had received complaints on Officer Taylor and wanted them investigated. The purported complaints had not been submitted according to policy. Chief Morris nonetheless reviewed Officer Taylor's body camera footage, and determined that Officer Taylor's conduct was proper.
27. Because nothing had been done about the illegal activity occurring in Ridgetop, the Plaintiffs reached out to the media. On December 4, 2018, Dennis Ferrier of News Channel 17 came to Ridgetop to report on the illegal ticket quota.
28. In retaliation for refusing to remain silent about the illegal activity and speaking to the media, Mayor Reasoner informed Chief Morris of additional complaints against Officer Taylor, which were likewise not submitted according to policy. Chief Morris nonetheless investigated the purported complaints, reviewed body camera footage, and determined that Officer Taylor had acted properly in each instance.
29. In order to obstruct their investigation and retaliate against the Plaintiffs, Mayor Reasoner demanded that Chief Morris and his officers utilize a new "Daily Report detailing all of their activities and produce copies to Reasoner. Vice Mayor McCaw Johnson requested the passwords to all police department computers and software as well as the email address and passwords for all police officers. Johnson also demanded that all take-home vehicles for the Police Department be taken away. Vice Mayor

Johnson gave his brother, Mark Johnson, a private citizen, access to all City files stored within the secure archives, in violation of Ridgetop City Policy.

30. On January 16, 2019, the first story about the illegal ticket quota aired on Fox 17. A second story aired the following day.
31. The City then retaliated against Officer Taylor by falsely accused him of committing fraud while he was on Worker's Compensation for a work-related injury to his shoulder. City Recorder Kelly Rider and Mayor Reasoner began to seek ways to terminate Officer Taylor, including purported complaints from citizens against Taylor, all of which were baseless. The City then attempted to rescind Officer Taylor's K9 contract, despite the fact that narcotics arrests had increased by over 300%.
32. On February 12, 2019, Officer Taylor was to conduct official police investigative interviews at City Hall. City Recorder Kelly Rider attempted to stop the interview and interfere with the investigation.
33. On February 19, 2019, Mark Johnson, the brother of Vice Mayor McCaw Johnson, was appointed as an Alderman.
34. On February 26, 2019, Mayor Tony Reasoner confronted Chief Bryan Morris about the criminal investigation and the interviews being conducted by Officer Taylor. The Mayor was informed that Taylor was acting under the authority of the District Attorney Pro Tem., Tommy Thompson. The City attempted to impede the investigation by sending open records requests for the body camera footage of Officer Taylor, which was denied as it pertained to a pending investigation into Mayor Toney Reasoner, City Recorder Kelly Rider, Vice Mayor McCaw Johnson, and Alderman Mark Johnson.

35. In March of 2019, several additional media stories aired regarding the illegal ticket quota.
36. In retaliation for the media coverage, the Mayor initiated a background check on Officer Taylor to find a reason to terminate him. The purported background check was against policy and utilized unlawful tactics, including an apparent attempt to backdate and forge a document and place it in Officer Taylor's personnel file. At the meeting in April of 2019, the Mayor stated that the background check had been "completed."
37. On May 2, 2019, Mark Johnson publicly announced that Shawn Taylor would be terminated for "lying on his application." The allegation was false and defamatory and made in furtherance of the retaliation against Officer Taylor.
38. In May of 2019, Mayor Reasoner continued to conduct an unlawful background investigation against Officer Taylor to try and find a pretext to terminate him.
39. Prior to the June 10 meeting, Mark Johnson, Tony Reasoner, and McCaw Johnson met, deliberated outside the Sunshine, and agreed to disband the police department. One of them hired a locksmith in advance of the meeting to change the locks of the police department in order to keep the officers from gaining access to their files, including the pending criminal investigation against the Mayor, Aldermen, and other City officials. Chief Bryan Morris witnessed a locksmith waiting in the parking lot prior to the meeting. Citizens witnessed the locksmith changing the locks before the vote to disband the police department had even been cast.

The June 10, 2019 Meeting

40. Following a brief discussion of the budget at the June 10 meeting, City Recorder Kelly Rider handed all council members a piece of paper stating that the meeting was “now a special called meeting.”

41. The Ridgetop BOMA concealed the special meeting and its purpose from the public.

42. Notice of the “special meeting” was not posted publicly three days in advance prior to the meeting date, which is required by Section 1-101 of the Ridgetop Municipal Code.

43. The City of Ridgetop also failed to comply with T.C.A. § 8-44-103(b), which states:

“NOTICE OF SPECIAL MEETINGS. Any such governmental body which holds a meeting not previously scheduled by statute, ordinance, or resolution, or for which notice is not already provided by law, shall give adequate public notice of such meeting.”

44. The special called meeting failed to comply with Section 9(c) of the Ridgetop Charter, which states:

“(c) Whenever, in the opinion of the mayor or of any two (2) aldermen the welfare of the city demands it, the mayor or city recorder shall call special meetings of the board and mayor and aldermen upon at least thirty-six (36) hours' written or verbal notice to each alderman, the mayor, and the city recorder, served personally or left at his usual place of residence. **Each call for a special meeting shall set forth the agenda of the business to be discussed at such meetings and no other business shall be considered at such meeting.** [As amended by Priv. Acts 1959, ch. 49, § 1, and Priv. Acts 1961, ch. 13, § 1(f), replaced by Priv. Acts 1979, ch. 48, § 9,1 as amended by Priv. Acts 1979, ch. 48, § 11, and Priv. Acts 1993, ch. 98, §§ 2 and 9].”

(Emphasis Added).

45. No call for a special meeting setting forth any agenda had been posted at either the Bank, the Post Office, or City Hall, which are the places the City had historically utilized for this purpose.

46. The public therefore did not receive adequate public notice of the special meeting based upon the totality of the circumstances. The public did not receive such notice as would

fairly inform the public of the nature of the special meeting and the important subject matter to be discussed.

47. At the illegal meeting, Alderman Mark Johnson stated:

“Well, I have a motion that I’d like to make. I make a motion to close down the Ridgetop Police Department at 7:15pm on Monday June the 10th, 2019 for a lack of proper funding. Law enforcement will be turned over to Robertson County Sheriff’s Department. At this time, all access to Police Department is by permission of the Mayor only. All the vehicles along with the keys should be handed over to the Mayor immediately after this meeting tonight. All equipment, badges, guns and any other City property will be turned into the Mayor no later than Tuesday, June 19th. That’s my motion.”

48. Mayor Tony Reasoner seconded the motion.

49. Alderman Deweese stated that the motion was too harsh and that there were other options that were less severe. He specifically informed the Board that the City was “not out of money.” He said, “I know what’s going on. I know that there are hard feelings, but that’s pretty harsh and a pretty rash decision.”

50. The decision to “close down” the Police Department was made in retaliation for the Plaintiffs’ refusal to participate in or remain silent about illegal activity. Mark Johnson’s proffered justification that the decision was due to a “lack of proper funding” was a pretext. The City of Ridgetop reported no financial difficulties during any of their regularly called meetings until after Officer Taylor reported illegal conduct to prosecutors, the media began reporting on the City’s illegal conduct, and Mark Johnson was appointed as Alderman, at the end of February, 2019.

51. The City had approved at least \$80,000 in equipment purchases for the Fire Department that was unnecessary. Mayor Toney Reasoner is the Chief of the Ridgetop Fire Department. The Fire Department not only had the equipment that they needed, but also has the capability to update old equipment at substantially less cost. The City also

gave a 3% raise to all other City employees. The City spent money to make it appear that there was not enough to pay for the Police Department, which was not true.

52. The City had also manipulated the projected budget by refusing to include the anticipated revenue generated by the Police Department into the budget itself.

53. No citizens were allowed to speak at the meeting. A resident attempted to address the Board at the illegal meeting on June 10, 2019, but the Board refused and falsely stated that the Charter did not authorize citizens speaking at special meetings. Chief Bryan Morris was not allowed to speak at any time.

54. No provision of the Ridgetop Charter or the Ridgetop Code of Ordinances bans citizens from speaking at special meetings.

55. Alderman Mark Johnson then cut off the citizen and said, "I'm done talking about this, we need to vote." The City then began voting while several citizens attempted to ask questions and address the BOMA.

56. A vote was carried, and Mark Johnson, Tony Reasoner, and McCaw Johnson voted YES. Alderman Duweese voted NO. Alderman Sam Rider, the husband of City Recorder Kelly Rider whose commission assignment is to the Fire Department and the Police Department, abstained from the vote.

57. During the meeting, the locksmith previously hired by members of the BOMA changed the locks at the police department.

58. Upon information and belief, no minutes were taken at the June 10, 2019 meeting, in violation of Section 9(b) of the Ridgetop Charter and T.C.A. § 8-44-104(a). According

to the Ridgetop, Tennessee website,¹ no minutes of any meetings or any agendas have been posted since May 21, 2019.

59. By the time Chief Morris returned from the meeting, the locksmith was already changing the locks, which clearly establishing that the Board had come to its agreement to disband the Police Department prior to the meeting, in violation of the Sunshine Law.
60. On June 11, 2019, the Mayor solicited purchasers for the police vehicles. Boxes of documents from the police department were loaded onto trucks. Upon information and belief, these files included police investigative files that are ongoing, and files which contain evidence for pending criminal prosecutions. The files contain CJIS reports which non-law enforcement employees are not authorized to review, per state and federal law.
61. Chief Morris was present, and when he went to his office, it was apparent that individuals had rummaged through his desk and his files.
62. The City took personal property belonging to officers, and has refused to return the items.
63. The City placed "For Sale" signs in the windows of police vehicles.
64. At this time, the LESO equipment, which is former military equipment sold to law enforcement entities, has been jeopardized because the only the Chief of Police can access, possess, or own such equipment, which includes numerous weapons.

¹ http://ridgetoptn.org/minutes_agendas/agenda_min_archive.html (last accessed June 14, 2019 at 11:28am).

65. The City failed to ensure that the evidence locker was properly secured and audited for purposes of maintaining a chain of custody, and Plaintiffs therefor aver that there is a substantial risk of breaching protocol for evidence, which could render pending criminal cases incapable of being prosecuted and dismissed because of tainted evidence. These cases include felony drug and sexual assault cases.
66. As of June 14, 2019, Mayor Reasoner has been inspecting, gathering, and destroying items stored within Chief Bryan Morris's office. Attached as **Exhibit A** to this Verified Complaint are photographs of Mayor Reasoner in Chief Morris's office filling a trash bag.

INJUNCTIVE RELIEF

67. The Plaintiffs have no plain, adequate or complete remedy at law to redress the wrongs alleged herein, and the injunctive relief sought herein is their only means of securing adequate relief.
68. The citizens and residents of Ridgetop have been deprived of the protection of their police force and face immediate and irreparable harm. As of June 13, 2019, at least one citizen has requested police services pursuant to a domestic violence call, and no police officers came to their assistance.
69. The Plaintiffs are now suffering and will continue to suffer immediate and irreparable injury, including the immediate threat of the loss of their employment, the destruction of evidence in pending investigations against the Mayor, Aldermen, and other City officials, as well as the destruction of evidence in pending prosecutions in Robertson County. The immediate and irreparable harm includes damaging evidence stored at the

Police Department for all cases pending prosecution in Robertson County by the District Attorney's Office.

70. The Defendant's unlawful conduct as set forth herein will continue unless such conduct is enjoined by this Court.

71. The Plaintiffs seek a temporary restraining order and a permanent injunction enjoining the Defendant, its agents, employees, and all those acting in concert with the Defendant from violating the Sunshine Law, retaliating against the Plaintiffs, and selling off Police Department assets as well as the personal property of Plaintiffs that was kept at the Police Department.

CAUSES OF ACTION

COUNT I: VIOLATIONS OF THE SUNSHINE LAW

A. Inadequate Public Notice.

72. The public is entitled to rely upon regularly scheduled meetings of governing bodies commencing at the regularly scheduled times. Although special meetings are authorized by the Ridgetop Charter, they too require adequate notice pursuant to T.C.A. § 8-44-103.

73. Because the Defendant conducted the special meeting without posting notice, the public was not adequately informed that it was taking place.

B. Meeting Outside of The Sunshine.

74. The meeting which occurred among the Mayor and Aldermen prior to the June 10, 2019 "special meeting" to determine the action taken at this meeting was held in private and without notice, in direct violation of T.C.A. § 8-44-104(b), which forbids secret votes.

C. No Minutes of the June 10, 2019 Meeting Were Taken

75. T.C.A. § 8-44-104(a) requires: “The minutes of a meeting of any such governmental body shall be promptly and fully recorded, shall be open to public inspection, and shall include, but not be limited to, a record of persons present, all motions, proposals and resolutions offered, the results of any votes taken, and a record of individual votes in the event of roll call.”

76. Because no minutes were taken and none have been promptly and fully recorded and made open to public inspection, the Defendant has violated T.C.A. § 8-44-104(a).

77. Pursuant to T.C.A. § 8-44-105, the BOMA’s actions to disband the Police Department are therefore null and void *ab initio*.

COUNT II: UNLAWFUL RETALIATION

In Violation of the Tennessee Public Protection Act, T.C.A. § 50-1-304 *et seq.*

78. Plaintiffs were employees of the Defendant City of Ridgetop.

79. Plaintiffs refused to participate in illegal activities which are defined as “violations of the criminal or civil code of this State or the United States or any regulation intended to protect the public health, safety and welfare.” T.C.A. § 50-1-304(a)(3).

80. T.C.A. § 39-16-516(b) states: “A political subdivision or any agency of this state may not require or suggest to a law enforcement officer that the law enforcement officer is required or expected to issue a predetermined or specified number of any type or combination of types of traffic citations within a specified period.” The traffic citation quota implemented by the City was therefore illegal.

81. The illegal activities of the BOMA alleged herein implicate important public policy concerns.

82. The City of Ridgetop disbanded the Ridgetop Police Department and thereby terminated the Plaintiffs solely because of their refusal to participate in illegal activities. As a direct and proximate result of the Defendant's conduct, the Plaintiffs have sustained damages.

DAMAGES

83. Plaintiffs bring this suit for all damages recoverable under Tennessee law including, without limitation, for an award of back-pay, front pay, an award of economic and non-economic damages, an award of pecuniary and non-pecuniary damages, including damages for mental anguish caused from the Defendant's misconduct.

PRAYERS FOR RELIEF

Premises considered, the Plaintiffs pray:

1. That process issue requiring the City of Ridgetop to respond within the time provided by law;
2. That this Court find and declare that all actions taken by the Mayor and Board of Aldermen at the City of Ridgetop on June 10, 2019, be declared null, void and of no effect pursuant to TCA § 8-44-105;
3. That the court file written findings of fact and conclusions of law and order that the same, including the final judgment of this cause be recorded in the minutes of the City of Ridgetop as required by TCA § 8-44-106 (b);
4. That the court permanently enjoin the Mayor and Aldermen of the City of Ridgetop from any further violation of the Open Meetings Act as required by TCA 8-44-106 (c);
5. That the final decree in this cause state that the court retains jurisdiction over the parties and subject matter for a period of one year from the date of entry and that the defendants

be ordered to report in writing semi-annually to the court of their compliance with the law;

6. That Plaintiffs be awarded all salary unlawfully withheld as a result of the City's unlawful action, together with prejudgment interest;
7. That Plaintiffs be awarded judgment from and against the Defendant for actual and compensatory damages in an amount of \$500,000 each or in a greater amount in accordance with the proof;
8. That Plaintiffs be awarded their reasonable attorney's fees and costs pursuant to T.C.A. § 50-1-304(c)(2); and
9. That Plaintiffs be awarded the costs of this cause, discretionary costs and all other relief to which they may be entitled at law or in equity.

Plaintiffs demand a trial by jury for all issues so triable.

Respectfully submitted,

THE BLACKBURN FIRM, PLLC



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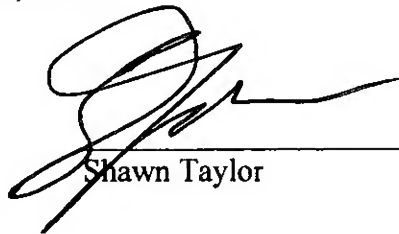
) **Jury Demanded**
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**DECLARATION OF SHAWN TAYLOR
IN SUPPORT OF VERIFIED COMPLAINT
AND MOTION FOR TEMPORARY RESTRAINING ORDER**

Shawn Taylor declares and states as follows:

1. I am a plaintiff in this action, am over the age of 18 years, have knowledge of the facts alleged herein and am competent to testify to those facts.
2. I have reviewed the allegations in the Verified Complaint for Injunctive Relief and I declare under penalty of perjury that they are true and accurate to the best of my knowledge, information, and belief.

This _____ day of June, 2019.



Shawn Taylor

